

REMARKS

The Office Action dated August 29, 2003 has been carefully considered. Applicants thank the Examiner for the courtesies extended during a recent interview. Claims 1, 4, 5, 14 and 16 have been amended Claims 19-21 have been added. Claims 1, 2 and 4-21 are in this application.

Previous claims 1, 2, and 4-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, claim 1 was rejected because it does not specify if the rail is positively charged or if the rail is negatively charged. Claim 1 has been amended to recite that the rails are formed of a material adapted to provide an attraction. Support for this amendment is found throughout the specification, and in particular, on page 4, lines 25-31. Applicants submit that the attraction is cling for attracting a plastic wrap to the rails. Claims 4-7 were rejected as being dependent on cancelled claim 3. Claims 4 and 5 were amended to depend from claim 2. Claim 4 was rejected as indefinite because of the term "durometer." Applicants have amended claim 4 to change "durometer" to "hardness" as suggested by the Examiner. Claim 14 was rejected as indefinite as not providing sufficient antecedent basis for "said cavity." Claim 14 has been amended to change "cavity" to "channel" which has antecedent basis in claim 13. Claim 16 was rejected as indefinite due to the term "a bumper of elongated rail base." Claim 16 has been amended to indicate that the end caps are attached to either end of the elongated base rail to provide a bumper of the tracking device with the end caps.

The previously-presented claims 1 and 4-18 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,199,394 to Castelli. Applicants submit that the teachings of this reference does not teach or suggest the invention defined by the present claims.

Castelli discloses a dispenser for pressure sensitive adhesive tape. The entire dispenser is molded at one time with injection molding. The dispenser can be formed of polyethylene, polypropylene or plasticized polyvinyl chloride. The cutter comprises slide sections and a blade holding section connected by a relatively narrow neck. In severing tape, a tape section is withdrawn from a roll, secured to the cutter by the adhesive on the tape and the cutter is moved across the tape. (Col. 2, lines 17-21).

In contrast to the invention defined by the present claims, Castelli does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the film. To the contrary,

Castelli teaches that a pressure sensitive tape is secured to the cutter with the adhesive of the tape. Moreover, there is no teaching or suggestion in Castelli that an cling is provided to pressure sensitive tape for attraction of the tape. Rather, Castelli is related only to pressure sensitive adhesive tapes, which use the adhesive of the pressure sensitive tape for holding the tape to the rail. There is no teaching or suggestion in Castelli to use an cling to hold the film to the rail. In contrast, in the present invention, the film is not an adhesive tape, and is held to the rail with cling before and after cutting of the film. The present invention has the advantage that the use of cling eliminates the need to use an adhesive to hold the film and can be used with any type of plastic wrap.

With regard to claim 7, Applicants submit that there is no teaching or suggestion in
→ Castelli of the combination of two different materials using co-extrusion for use in a slide cutter. The present invention combines a first material for providing an attractive property and a second material for providing functionality of the rail. There is no teaching or suggestion in Castelli to use co-extrusion to provide a slide cutter providing dual properties for both holding plastic wrap and strength of the rail.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Castelli in view of U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Thus, Chunag does not cure the deficiencies of Castelli, as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Castelli in combination with Chuang.

Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Castelli in view of U.S. Patent No. 4,202,233 to Larson.

Larson discloses a saw guide device for a hand powered saw. A guide bar extends across a work piece. The material of the base is constructed of a material different from the guide bar to reduce sliding friction between the guide bar and the base pod.

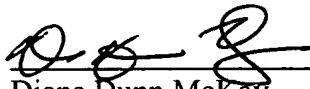
In contrast to the invention defined by the present claims, Larson does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to hold the film before and after cutting of the film. Instead, Larson is directed to a tool guide for a saw guide and is unrelated to a film cutter apparatus. Moreover, there is no teaching or suggestion of a base formed of a material providing an attraction for clinging of a plastic wrap to a pair of rails. Accordingly, Larson does not cure the deficiencies of Castelli noted above.

Claim 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Castelli. Castelli discloses body section 15 includes raised spacers 19, 20 and 21 to support removable spindle 22 and position roles of tape 37 to be cut by cutter 12. In contrast to the invention defined by the present claims, Castelli does not teach or suggest end caps attached to ends of the base rail. Further, Castelli does not disclose or suggest that the end caps would release upon application of excessive force. In addition, in contrast to the invention defined by the present claims as noted above, Castelli does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Accordingly, the invention defined by the present claim 17 is not obvious in view of Castelli.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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